

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Shelby DIVISION

IN RE:)	Case No.: 17-40161
)	Chapter: 13
Michael Lynn Rainey)	
Vista Jones Rainey)	<u>NOTICE OF</u>
)	<u>HEARING</u>
)	(No Protest Notice: No
)	Hearing Will Be Held Unless
)	Request For Hearing Is Filed)
)	
Debtors)	

TAKE NOTICE that Michael Lynn Rainey and Vista Jones Rainey, "Debtors", by and through counsel, have filed papers with the Court seeking approval of a permanent mortgage modification, plan modification and for approval of attorney fees and cost. A copy of these paper(s) is included with this Notice or copied on the reverse side of this Notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to order approval of mortgage modification, or if you want the Court to consider your views on the Motion to approve mortgage modification, plan modification and for approval of attorney fees and cost, then on or before **February 19, 2019** from the date of this Notice, you or your attorney must do three things:

1. **File with the Court a written response requesting that the Court hold a hearing and explaining your position. File the response at:**

U.S. Bankruptcy Court
401 West Trade Street
Room 111
Charlotte, NC 28202

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

Beth B. Carter
The Law Offices of Beth B. Carter, PLLC
PO Box 1553
Denver, NC 28037

Steven Tate
Chapter 13 Trustee
212 Cooper Street
Statesville, NC 28687

3. **Attend the hearing scheduled for February 22, 2019, at 9:30 a.m. at Cleveland County Courthouse, 100 Justice Place, Shelby, NC 28150.**

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD**, and the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: January 30, 2019



Beth B. Carter
The Law Offices of Beth B. Carter, PLLC
N.C Bar No. 24642
PO Box 1553
Denver, NC 28037
(704) 966-8028

IN THE UNITED STATES BANKRUPTCY COURT
Western District of North Carolina
Shelby Division

In the Matter of:	}	
	}	
Michael Lynn Rainey	}	Case No. 17-40161
Vista Jones Rainey	}	
	}	Chapter 13
	}	
	}	
<u>DEBTORS</u>	}	

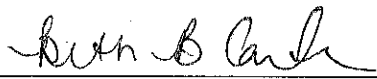
**MOTION TO APPROVE PERMANENT MORTGAGE MODIFICATION, PLAN
MODIFICATION, AND FOR ATTORNEY FEES AND COST**

COME NOW, Michael Lynn Rainey and Vista Jones Rainey, "Debtors" by and through attorney, Beth B. Carter of The Law Offices of Beth B. Carter, PLLC, and respectfully move the Court pursuant to Section 1329 of Title 11 of the United States Code, Rule 9013 of the Rules of Bankruptcy Procedure, and Rule 9013-1 of the Local Bankruptcy Rules for the entry of an order approving this motion and in support alleges and says that:

1. Debtors filed a Chapter 13 petition in bankruptcy seeking the protection of the Court on or about May 2, 2017. The Chapter 13 plan was subsequently confirmed on September 20, 2017 by order of this Court and modified by later Order of the Court.
2. Select Portfolio Servicing, Inc. "Creditor" approved a permanent mortgage modification for Debtors. The permanent modification will decrease their monthly mortgage payments to \$1356.66 plus estimated escrow of \$488.49 for a monthly payment of \$1845.15. The first payment to Creditor is due on or before February 1, 2019. The principle balance is \$581,773.45. The term of the loan is 281 months at 2% interest.
3. There is a deferred principal balance amount of \$133,773.45 due at maturity of March 1, 2037 or upon sale of property as a balloon payment.
4. There is also \$287,811.07 that will be due as a balloon payment on March 1, 2037 as the investor will not agree to extend the maturity term.
5. Debtors propose that their bankruptcy plan payment remain at \$2767 for the duration of the plan.
6. Debtors request the Chapter 13 Trustee continue to pay the monthly mortgage payments of \$1845.15 to Creditor via conduit payments.

7. Debtors request that the Chapter 13 Trustee close down the arrearage claim of the Creditor.
8. Debtors agree to obtain an Order deeming the mortgage current at the end of their chapter 13 plan.
9. Attorney for debtors requests an attorney fee of \$450 to be added to the debtors' bankruptcy plan and cost of \$188 for the service of this Motion and subsequent Order to be added to the debtors' Chapter 13 bankruptcy plan and the plan modified accordingly.

Respectfully submitted this is the 30th day of January, 2019.

By: 
Beth B. Carter
The Law Office of Beth B. Carter, PLLC
N.C. Bar No. 24642
Post Office Box 1553
Denver NC 28037
(704) 966-8028

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
Shelby DIVISION

IN RE:)
)
Michael Lynn Rainey) Case No. 17-40161
Vista Jones Rainey) Chapter 13
)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the Motion to Approve Permanent Mortgage Modification, Plan Modification and Approve attorney fees and cost by depositing the same in a postpaid envelope properly addressed to each party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service or served electronically.

Steven Tate via ECF
Chapter 13 Bankruptcy Office
212 Cooper Street
Statesville, NC 28687

Shelley Koon Abel, Bankruptcy Administrator via ECF
402 West Trade Street, Suite 205
Charlotte, NC 28202

Mr. & Mrs. Michael Rainey
4197 Ash Hollow Lane
Denver, NC 28037

Select Portfolio Servicing
3815 S. West Temple St Suite 2000
Salt Lake City UT 84115

Stephen Troy Staley
Joseph J. Vonnegut
Hutchens Law Firm
PO Box 2505
Fayetteville, NC 28302-2505

All creditors on the attached listing.

This is the 30th day of January, 2019.

By: Beth B Carter
Beth Carter
The Law Offices of Beth B. Carter, PLLC
N.C. Bar No. 24642
Post Office Box 1553
Denver, NC 28037

American Express
P.O. Box 650448
Dallas, TX 75265-0448

Best Buy
Retail Services
7601 Penn Ave S
Richfield, MN 55423-8500

Capital One Bank USA NA
4851 Cox Rd.
Glen Allen, VA 23060

Citicard
P.O. Box 6500
Sioux Falls, SD 57117

Comenity Bank
P.O. Box 182124
Columbus, OH 43218

Wells Fargo Bank NA
PO Box 10438. MAC F8235-02F
Des Moines, IA 50306-0438

Ellis & Winters LLP
c/o Curtis J. Shipley
300 N. Greene Street, Ste 800
Greensboro, NC 27401

Quantum3 Group LLC as agent for MOMA
Funding
PO Box 788
Kirkland, WA 980183-0788

First Citizens Bank
PO Box 29514
Raleigh, NC 27626

Hutchens Law Firm
P.O. Box 1028
Fayetteville, NC 28302

Internal Revenue Service
Insolvency Remittance
PO Box 7346
Philadelphia, PA 19101-7346

TMX Finance LLC Formerly Titlemax
15 Bull Street
Suite 200
Savannah GA 31401-2686

Lincoln County Tax Collector
P.O. Box 938
Lincolnton, NC 28093

Lowe's
Post Office Box 530914
Atlanta, GA 30353-0914

Macys
7 West Seventh Street
Cincinnati, OH 45202-2424

Massey's
128 West River Street
Chippewa Falls, WI 54729

Midland Funding
Midland Credit Management Inc
PO Box 2011
Warren, MI 48090

Mr. & Mrs. Michael Rainey
4197 Ash Hollow Lane
Denver, NC 28037

Portfolio Recovery Associates, LLC
PO Box 41067
Norfolk, VA 23541-1067

North Carolina Department of Revenue
P.O. Box 1168
Raleigh, NC 27602

Massey's
c/o Creditors Bankruptcy Service
PO Box 800849
Dallas, TX 75380-0849

Macy's
7 West Seventh Street
Cincinnati, OH 45202-2424

The Bank of New York Mellon Trust
Company, NA
c/o Select Portfolio Servicing, Inc.
PO Box 65250
Salt Lake City, UT 84165-0250

SYNCB/Sam's
P.O. Box 965005
Orlando, FL 32896-5005

Synchrony Bank
Attn: Bankruptcy Dept.
P.O. Box 965061
Orlando, FL 32896

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Title Max of South Carolina, Inc.
271 Carowinds Blvd
Fort Mill, SC 29708

U.S. Attorney
Bankruptcy Division
227 W. Trade St.
#1650
Charlotte, NC 28202

U.S. Attorney General
9001 Mail Service Center
Raleigh, NC 27699-9001

United States Attorney
Federal Courthouse Rm 233
100 Otis Street
Asheville, NC 28801

Verizon Wireless
500 Technology Dr.
#550
Saint Charles, MO 63304

Wells Fargo Visa
PO Box 10347
Des Moines, IA 50306

Zwicker & Associate, P.C.
80 Minuteman Road
Andover, MA 01810-1031

Select Portfolio Servicing
3217 Decker Lake Dr
W. Valley City, UT 84119-3284

Department Stores National Bank
c/o Quantum3 Group LLC
PO Box 657
Kirkland, WA 98083-0657

Fifth Third Bank
PO Box 9013
Addison, Texas 75001-9013

Fifth Third Bank
ID# ROPS05 Bankruptcy Dept
1850 East Paris SE
Grand Rapids MI 49546-6253

First Citizens Bank Trust Company
PO Box 25187
Raleigh NC 27611-5187

LVNV Funding LLC
c/o Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Lowe's
PO Box 530914
Atlanta, GA 30353-0914